



July 7, 2017

Hon. Daniel J. Stewart
U.S. Magistrate Judge
James T. Foley U.S. Courthouse
445 Broadway – 4th Floor

Sent via telefax: 518-257-1841

Re: 16-cv-01115 (Cinthia Thevenin v. City of Troy et al)

Dear Judge Stewart,

I am writing regarding your order of today's date (Docket #19 or the "Order"), apparently foreclosing the public's and the press' opportunity to review records considered by you in camera.

Your Order refers to a November 16, 2016 Rule 16 hearing during which you directed Defendants to provide a copy of a personnel file for Defendant Randall French for an in camera review. The text order for the Rule 16 hearing indicates that the personnel files would be provided to the Court for review during the matter, but the Docket does not elaborate on the Court's use of the those files.

Today's order directs the Defense counsel to retrieve the personnel file from the Court's possession and that it be provided to Plaintiff's counsel subject to a protective order. While it is not clear from the Docket or the Order, it appears, therefore, that the Court may have been called on to decide a discovery dispute between the parties, and that, in reaching a determination, the personnel file was considered by the Court.

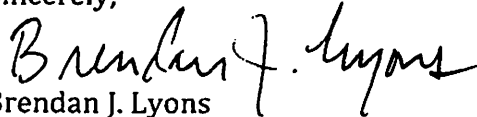
If this is, in fact, the case, I respectfully suggest that the personnel file is a judicial record subject to the same First Amendment and common law rights of public access as other judicial records. While it may be that some portion of the

personnel file would properly be subject to redaction, we believe some portion of it would not and should be made part of the public docket.

Accordingly, we respectfully request that you reconsider your Order, and direct the parties to provide a properly redacted version of the personnel file on the public docket for this matter.

Please do not hesitate to contact me if you would like to discuss this matter.

Sincerely,

A handwritten signature in black ink that reads "Brendan J. Lyons". The signature is fluid and cursive, with the first name being the most prominent.

Brendan J. Lyons
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